

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

LATOYA MCKOY,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-0059

ROBERT R. MCDANIEL, JR.,
MAVIS & DALLAS SPECIALIZED
CARRIERS COMPANY, ATC LEASING
COMPANY, JOHN DOE CORPORATION, and
JOHN DOE,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 2, 2005, the plaintiff was notified of her failure to effectuate service within 120 days after filing of the complaint. Pursuant to Rule 4(j) of the Federal Rules of Civil Procedure, the plaintiff was further advised that failure to timely effectuate service or demonstrate good cause as to why such service had not been made, would result in this action being dismissed without prejudice as to ATC Leasing Company.

The court, having reviewed the record in this case, finds that the plaintiff has failed to comply with either of the foregoing requirements and, thus, this action is hereby ORDERED dismissed without prejudice as to ATC Leasing Company.

The clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 28th day of June, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge